

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
 §
 §
vs. § Criminal No. 3:09-CR-003-K (1)
 §
KRISTOFOR KELLEY §
 §

ORDER DENYING MOTION TO REDUCE SENTENCE
UNDER 18 U.S.C. § 3582(c)(2)

Pending before the Court is Kristofor Kelley's ("Defendant") motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) filed on January 20, 2016 (doc. 124). Defendant seeks relief on the basis of the 2014 amendments to the sentencing guidelines that reduced the offense levels for the Drug Quantity Table in U.S.S.G. 2D1.1(c). Defendant does not meet the criteria set forth in § 3582(c) and USSG § 1B1.10(a)(2)(B).

Specifically, Defendant was sentenced as a career offender under the career offender provisions of USSG § 4B1.1 instead of the drug quantity provisions of USSG §§ 2D1.1 or 2D1.11. Therefore, Defendant is not eligible for a sentence reduction under Amendment 782 and § 3582(c). *United States v. Valdez*, 615 F. App'x 191 (5th Cir. 2015). Because Amendment 782 does not have the effect of lowering Defendant's applicable guideline range, § 1B1.10(b)(2)(B) has no application to this case.

It is ORDERED that Kristofor Kelley's April 14, 2016, motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) (doc. 233) be, and is hereby, DENIED.

SIGNED April 19th, 2016.

Ed Kinkeade
ED KINKEADE
UNITED STATES DISTRICT JUDGE